06-09-04

04:31PM

FROM-Merchant & Gould

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T-565 P 012/036 F-916

S/N 09/654,276

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Cohen et al.

Examiner:

Webbe, Anne Marie Sabrina

Serial No.:

09/654,276

Group Art Unit:

1632

Filed:

September 1, 2000

Docket No.:

09124.117US01

Title:

TISSUE ENGINEERED BIOGRAFTS FOR REPAIR OF DAMAGED

MYOCARDIUM

CERTIFICATE UNDER 37 CFR 1.8(b):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on June 9, 2004, at facsimile number 703.872.9306.

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked 04:31PM

as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

Date

23552

PATENT TRADEMARK OFFICE

Gregory A. Sebald

Reg. No. 33,280 GAS:EED:lek 06-09-04

04:32PM

Date Mailed: June 9, 2004

FROM-Merchant & Gould

Sheet 1 of 1

| FORM 1449* | INFORMATION DISCLOSURE STATEMENT  | Docket Number:<br>09124.117US01 | Application Number: 09/654,276 |  |  |
|------------|-----------------------------------|---------------------------------|--------------------------------|--|--|
|            | IN AN APPLICATION                 | Applicant: Cohen et al.         |                                |  |  |
|            | (Use several sheets if necessary) | Filing Date: September 1, 2000  | Group Art Unit: 1632           |  |  |

|                     |              | U.S       | . PATENT DOCUMEN                                       | TS               |              |                                       |                 |
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| EXAMINER<br>INITIAL | DOCUMENT NO. | DATE      | NAME   | CLASS            | SUBCLASS     |                                       | DATE<br>OPRIATE |
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|                     | OTHER        | DOCUMENTS | (Including Author, Title,                              | Date, Pertinent  | Pages, Etc.) |                                       |                 |
|                     |              |           | inars in Respiratory Infectant and Their Effects"      | ctions, 8(3):152 | 159          |                                       |                 |
|                     |              |           | iology Clinics, 8(1):83-96<br>wing Cardiac Transplanta |                  |              |                                       |                 |
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| PATIENT TRADEMARK OFFICE | DATE CONSIDERED |  |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

<sup>&</sup>quot;Substitute Disclosure Statement Form (PTO-1449)